



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

September 19, 1985

CERTIFIED RETURN RECEIPT REQUESTED
P 592 431 839

Mr. Charles Gent
Genwal Coal Company
P. O. Box 1201
Huntington, UTah 84527

Dear Mr. Gent:

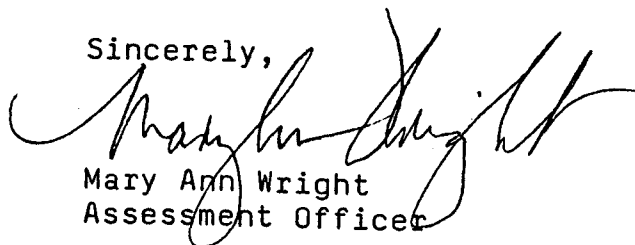
RE: Proposed Assessment for State Violation No.'s N 85-4-9-1,
N85-4-6-1, N85-4-7-2, N85-4-12-3, ACT/015/032, Folder #8,
Emery County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.17.

Enclosed is the proposed civil penalty assessment for the above referenced violations. These violations were issued by Division Inspector Dave Lof, N85-4-9-1, on March 20, 1985; N85-4-6-1 on March 6, 1985; N85-4-7-2 on March 19, 1985; and N85-4-12-3 on April 11, 1985. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information, which was submitted by you or your agent within 15 days of receipt of this notice of violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. (Address a request for a conference to Ms. Jan Brown, at the above address.) If no timely request is made, all pertinent data will be reviewed and the penalty will be reassessed, if necessary, for a finalized assessment. Facts will be considered for the final assessment which were not available on the date of the proposed assessment, due to the length of the abatement period. This assessment does not constitute a request for payment.

Sincerely,


Mary Ann Wright
Assessment Officer

re

Enclosure

cc: D. Griffin, OSM Albuquerque Field Office
73140

SUMMARY OF PROPOSED ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING
355 West North Temple 3 Triad Center Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

COMPANY/MINE Genwal/Crandall Canyon Mine PERMIT # ACT/015/032

<u>VIOLATION</u>	<u>POINTS</u>	<u>AMOUNT</u>
<u>N85-4-9-1</u>	<u>65</u>	<u>\$ 1,780</u>
<u>N85-4-6-1</u>	<u>46</u>	<u>840</u>
<u>N85 4-7-2 #1</u>	<u>51</u>	<u>1,040</u>
<u>N85-4-7-2 #2</u>	<u>62</u>	<u>1,540</u>
<u>N85-4-12-3 #1</u>	<u>56</u>	<u>1,220</u>
<u>N85-4-12-3 #2</u>	<u>37</u>	<u>540</u>
<u>N85-4-12-3 #3</u>	<u>80</u>	<u>4,489</u>
 TOTAL ASSESSED FINE	 <u>397</u>	 <u>\$11,440</u>

0056-23

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal Coal/Crandall Canyon NOV # N85-4-9-1

PERMIT # ACT/015/032 VIOLATION 1 OF 1

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 9-13-85 EFFECTIVE ONE YEAR DATE 9-14-84

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
<u>N83-2-14-1</u>	<u>4-19-85</u>	<u>1</u>	<u>N84-2-16-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-3-1</u>	<u>9-14-84</u>	<u>1</u>	<u>C84-2-1-1</u>	<u>3-18-85</u>	<u>5</u>
<u>N84-2-4-1</u>	<u>9-14-84</u>	<u>1</u>	<u>N84-2-19-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-9-2</u>	<u>3-18-85</u>	<u>2</u>	<u>N84-2-21-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-14-1</u>	<u>3-18-85</u>	<u>1</u>	<u>C84-2-2-1</u>	<u>3-18-85</u>	<u>5</u>
<u>N84-2-17-1</u>	<u>3-18-85</u>	<u>1</u>			

1 point for each past violation, up to one year

5 points for each past violation in a CO, up to one year

No pending notices shall be counted

TOTAL HISTORY POINTS 20

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Water Pollution
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 15

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, 5500 mg/l TSS runoff left the disturbed area and entered Crandall Creek directly. Runoff apparently occurred for the better part of a day at a flow rate of 5 gpm from two breach points in a berm. The event listed is considered to have occurred.

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 12

PROVIDE AN EXPLANATION OF POINTS Flow of 5500 mg/l TSS at a combined 10 gpm lasted approximately one day. Runoff directly entered Crandall Creek, a fishery.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? _____

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

TOTAL SERIOUSNESS POINTS (A or B) 27

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater Degree of Fault

ASSIGN NEGLIGENCE POINTS 21

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, the actual or potential harm to the creek should have been evident and the operator is fully aware of the requirement to pass all disturbed runoff through sediment controls. Additionally, the berm breaches appeared to have been caused by a front-end loader.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO
-EASY ABATEMENT

Easy Abatement Situation

Immediate Compliance -11 to -20*
(Immediately following the issuance of the NOV)
Rapid Compliance -1 to -10*
(Permittee used diligence to abate the violation)
Normal Compliance 0
(Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO -
DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation

Rapid Compliance -11 to -20*
(Permittee used diligence to abate the violation)
Normal Compliance -1 to -10*
(Operator complied within the abatement period required)
Extended Compliance 0
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? easy ASSIGN GOOD FAITH POINTS -3

PROVIDE AN EXPLANATION OF POINTS Immediate compliance was required.
Operator had repaired the berm by the time the NOV had been issued,
according to the Inspection memo of April 11, 1985.

V. ASSESSMENT SUMMARY FOR N85-4-9-1

I. TOTAL HISTORY POINTS	<u>20</u>
II. TOTAL SERIOUSNESS POINTS	<u>27</u>
III. TOTAL NEGLIGENCE POINTS	<u>21</u>
IV. TOTAL GOOD FAITH POINTS	<u>-3</u>

TOTAL ASSESSED POINTS 65

TOTAL ASSESSED FINE \$1780

Mary Ann Wright

ASSESSMENT DATE 9-13-85 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT

FINAL ASSESSMENT

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Crandall Coal/Crandall Canyon NOV # N85-4-6-1

PERMIT # ACT/015/032 VIOLATION 1 OF 1

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,
which fall within 1 year of today's date?

ASSESSMENT DATE 9-13-85 EFFECTIVE ONE YEAR DATE 9-14-84

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
N83-2-14-1	4-19-85	1	N84-2-16-1	3-18-85	1
N84-2-3-1	9-14-84	1	C84-2-1-1	3-18-85	5
N84-2-4-1	9-14-84	1	N84-2-19-1	3-18-85	1
N84-2-9-2	3-18-85	2	N84-2-21-1	3-18-85	1
N84-2-14-1	3-18-85	1	C84-2-2-1	3-18-85	5
N84-2-17-1	3-18-85	1			

1 point for each past violation, up to one year
5 points for each past violation in a CO, up to one year
No pending notices shall be counted

TOTAL HISTORY POINTS 20

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Hindrance

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? _____
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? Potential

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS 8

PROVIDE AN EXPLANATION OF POINTS Per inspector, not having November 1984 water quality sample and field measurements for weekly and bimonthly samples has made it difficult to determine the impact of the mining operation on the stream.

TOTAL SERIOUSNESS POINTS (A or B) 8

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater Degree of Fault

ASSIGN NEGLIGENCE POINTS 18

PROVIDE AN EXPLANATION OF POINTS Three previous NOV's have been issued for failure to monitor, verbal reminders were given and operator has violated a specific permit condition.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation

Immediate Compliance -11 to -20*
 (Immediately following the issuance of the NOV)
 Rapid Compliance -1 to -10*
 (Permittee used diligence to abate the violation)
 Normal Compliance 0
 (Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation

Rapid Compliance -11 to -20*
 (Permittee used diligence to abate the violation)
 Normal Compliance -1 to -10*
 (Operator complied within the abatement period required)
 Extended Compliance 0
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? _____ ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS An FTA CO has been issued on this NOV.

V. ASSESSMENT SUMMARY FOR N85-4-6-1

I. TOTAL HISTORY POINTS	<u>20</u>
II. TOTAL SERIOUSNESS POINTS	<u>8</u>
III. TOTAL NEGLIGENCE POINTS	<u>18</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>

TOTAL ASSESSED POINTS 46

TOTAL ASSESSED FINE \$ 840

ASSESSMENT DATE 9-13-85 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT _____ FINAL ASSESSMENT

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal Coal/Crandall Canyon NOV # N85-4-7-2

PERMIT # ACT/015/032 VIOLATION 1 OF 2

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,
which fall within 1 year of today's date?

ASSESSMENT DATE 9-13-85 EFFECTIVE ONE YEAR DATE 9-14-84

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
<u>N83-2-14-1</u>	<u>4-19-85</u>	<u>1</u>	<u>N84-2-16-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-3-1</u>	<u>9-14-84</u>	<u>1</u>	<u>C84-2-1-1</u>	<u>3-18-85</u>	<u>5</u>
<u>N84-2-4-1</u>	<u>9-14-84</u>	<u>1</u>	<u>N84-2-19-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-9-2</u>	<u>3-18-85</u>	<u>2</u>	<u>N84-2-21-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-14-1</u>	<u>3-18-85</u>	<u>1</u>	<u>C84-2-2-1</u>	<u>3-18-85</u>	<u>5</u>
<u>N84-2-17-1</u>	<u>3-18-85</u>	<u>1</u>			

1 point for each past violation, up to one year
5 points for each past violation in a CO, up to one year
No pending notices shall be counted

TOTAL HISTORY POINTS 20

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Hindrance

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? _____
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS _____

PROVIDE AN EXPLANATION OF POINTS _____

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? Actual

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS 15

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, without the required groundwater information, the Division is unable to determine the impact that mining has on the groundwater in the area. Assessed down for not hindering a full assessment of impact on the environment.

TOTAL SERIOUSNESS POINTS (A or B) 15

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater Degree of Fault

ASSIGN NEGLIGENCE POINTS 16

PROVIDE AN EXPLANATION OF POINTS This NOV represents a violation of a specific permit condition as well as a lack of response to an 8-17-84 letter from the Division for further information. Assessed down since initial spring and seep data was submitted in a July 5, 1984 report.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation

Immediate Compliance -11 to -20*
 (Immediately following the issuance of the NOV)
 Rapid Compliance -1 to -10*
 (Permittee used diligence to abate the violation)
 Normal Compliance 0
 (Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation

Rapid Compliance -11 to -20*
 (Permittee used diligence to abate the violation)
 Normal Compliance -1 to -10*
 (Operator complied within the abatement period required)
 Extended Compliance 0
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? difficult ASSIGN GOOD FAITH POINTS 0

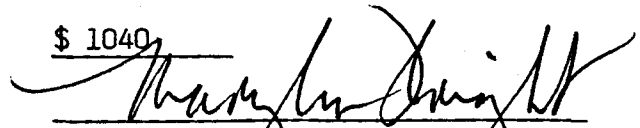
PROVIDE AN EXPLANATION OF POINTS Original abatement of approximately two weeks was extended to the 90 day maximum abatement occurred on the 90th day.

V. ASSESSMENT SUMMARY FOR N85-4-7-2, #1

I. TOTAL HISTORY POINTS	<u>20</u>
II. TOTAL SERIOUSNESS POINTS	<u>15</u>
III. TOTAL NEGLIGENCE POINTS	<u>16</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>

TOTAL ASSESSED POINTS	<u>51</u>
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TOTAL ASSESSED FINE	<u>\$ 1040</u>
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ASSESSMENT DATE 9-13-85 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT FINAL ASSESSMENT

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwall Coal Co/Crandall Canyon NOV # N85-4-7-2

PERMIT # ACT/015/032 VIOLATION 2 OF 2

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,
which fall within 1 year of today's date?

ASSESSMENT DATE 9-13-85 EFFECTIVE ONE YEAR DATE 9-14-84

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
<u>N83-2-14-1</u>	<u>4-19-85</u>	<u>1</u>	<u>N84-2-16-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-3-1</u>	<u>9-14-84</u>	<u>1</u>	<u>C84-2-1-1</u>	<u>3-18-85</u>	<u>5</u>
<u>N84-2-4-1</u>	<u>9-14-84</u>	<u>1</u>	<u>N84-2-19-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-9-2</u>	<u>3-18-85</u>	<u>2</u>	<u>N84-2-21-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-14-1</u>	<u>3-18-85</u>	<u>1</u>	<u>C84-2-2-1</u>	<u>3-18-85</u>	<u>5</u>
<u>N84-2-17-1</u>	<u>3-18-85</u>	<u>1</u>			

1 point for each past violation, up to one year

5 points for each past violation in a CO, up to one year

No pending notices shall be counted

TOTAL HISTORY POINTS 20

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Environmental Harm/Water Pollution
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 13

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, heavily sediment-laden runoff was leaving the Class I & II roads at the mine and likely entering the fishery. Lack of proper construction and maintenance caused this situation to occur.

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 17

PROVIDE AN EXPLANATION OF POINTS Runoff left the road and entered Crandall Creek, a fishery. The road and creek damage was widespread as detailed in the inspector report. Mud flowed down the road, into a culvert, over topped strawbales and into the creek. This condition persisted for a time since an FTA CO was issued.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement?

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS

PROVIDE AN EXPLANATION OF POINTS

TOTAL SERIOUSNESS POINTS (A or B) 30

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Negligence

ASSIGN NEGLIGENCE POINTS 12

PROVIDE AN EXPLANATION OF POINTS Assessed as lack of reasonable care in not constructing and/or maintaining the road to proper specifications.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation

Immediate Compliance -11 to -20*
 (Immediately following the issuance of the NOV)
 Rapid Compliance -1 to -10*
 (Permittee used diligence to abate the violation)
 Normal Compliance 0
 (Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation

Rapid Compliance -11 to -20*
 (Permittee used diligence to abate the violation)
 Normal Compliance -1 to -10*
 (Operator complied within the abatement period required)
 Extended Compliance 0
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? _____ ASSIGN GOOD FAITH POINTS 0

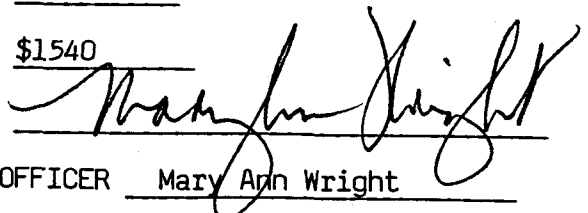
PROVIDE AN EXPLANATION OF POINTS Per inspector, a CO was issued for failure to abate this NOV. Good faith points are not applicable.

V. ASSESSMENT SUMMARY FOR N85-4-7-2 #2

I. TOTAL HISTORY POINTS	<u>20</u>
II. TOTAL SERIOUSNESS POINTS	<u>30</u>
III. TOTAL NEGLIGENCE POINTS	<u>12</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>

TOTAL ASSESSED POINTS 62

TOTAL ASSESSED FINE \$1540



ASSESSMENT DATE 9-13-85 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT

FINAL ASSESSMENT

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal Coal/Crandall Canyon NOV # N85-4-12-3
 PERMIT # ACT/015/032 VIOLATION 1 OF 3

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,
which fall within 1 year of today's date?

ASSESSMENT DATE 9-13-85 EFFECTIVE ONE YEAR DATE 9-14-84

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
<u>N83-2-14-1</u>	<u>4-19-85</u>	<u>1</u>	<u>N84-2-16-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-3-1</u>	<u>9-14-84</u>	<u>1</u>	<u>C84-2-1-1</u>	<u>3-18-85</u>	<u>5</u>
<u>N84-2-4-1</u>	<u>9-14-84</u>	<u>1</u>	<u>N84-2-19-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-9-2</u>	<u>3-18-85</u>	<u>2</u>	<u>N84-2-21-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-14-1</u>	<u>3-18-85</u>	<u>1</u>	<u>C84-2-2-1</u>	<u>3-18-85</u>	<u>5</u>
<u>N84-2-17-1</u>	<u>3-18-85</u>	<u>1</u>			

1 point for each past violation, up to one year

5 points for each past violation in a CO, up to one year

No pending notices shall be counted

TOTAL HISTORY POINTS 20

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Water Pollution
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 11

PROVIDE AN EXPLANATION OF POINTS Disturbed area runoff was bypassing the sediment pond. The path of runoff was traced but not observed at the time of inspection. It is likely that runoff from the disturbed area entered Crandall Creek.

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 18

PROVIDE AN EXPLANATION OF POINTS The existing drainage situation has been in effect for 2 years. Disturbed area drainage would have entered Crandall Creek, a fishery.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement?

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS

PROVIDE AN EXPLANATION OF POINTS

TOTAL SERIOUSNESS POINTS (A or B) 29

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Negligence

ASSIGN NEGLIGENCE POINTS 14

PROVIDE AN EXPLANATION OF POINTS The operator has failed to construct drainage controls properly.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation

Immediate Compliance -11 to -20*
 (Immediately following the issuance of the NOV)
 Rapid Compliance -1 to -10*
 (Permittee used diligence to abate the violation)
 Normal Compliance 0
 (Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation

Rapid Compliance -11 to -20*
 (Permittee used diligence to abate the violation)
 Normal Compliance -1 to -10*
 (Operator complied within the abatement period required)
 Extended Compliance 0
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? easy ASSIGN GOOD FAITH POINTS -7

PROVIDE AN EXPLANATION OF POINTS Per inspector, one of two parts of the NOV were abated prior to receipt of the NOV. The other part deserves no good faith points, per inspection recommendation.

V. ASSESSMENT SUMMARY FOR N85-4-12-3 #1

I. TOTAL HISTORY POINTS	<u>20</u>
II. TOTAL SERIOUSNESS POINTS	<u>29</u>
III. TOTAL NEGLIGENCE POINTS	<u>14</u>
IV. TOTAL GOOD FAITH POINTS	<u>-7</u>

TOTAL ASSESSED POINTS 56

TOTAL ASSESSED FINE \$ 1220

ASSESSMENT DATE 9-13-85 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT FINAL ASSESSMENT

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall Canyon NOV # N85-4-12-3
PERMIT # ACT/015/032 VIOLATION 2 OF 3

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated,
which fall within 1 year of today's date?

ASSESSMENT DATE 9-13-85 EFFECTIVE ONE YEAR DATE 9-14-84

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
<u>N83-2-14-1</u>	<u>4-19-85</u>	<u>1</u>	<u>N84-2-16-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-3-1</u>	<u>9-14-84</u>	<u>1</u>	<u>C84-2-1-1</u>	<u>3-18-85</u>	<u>5</u>
<u>N84-2-4-1</u>	<u>9-14-84</u>	<u>1</u>	<u>N84-2-19-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-9-2</u>	<u>3-18-85</u>	<u>2</u>	<u>N84-2-21-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-14-1</u>	<u>3-18-85</u>	<u>1</u>	<u>C84-2-2-1</u>	<u>3-18-85</u>	<u>5</u>
<u>N84-2-17-1</u>	<u>3-18-85</u>	<u>1</u>			

1 point for each past violation, up to one year

5 points for each past violation in a CO, up to one year

No pending notices shall be counted

TOTAL HISTORY POINTS 20

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Loss of reclmation/revegetation potential
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 2

PROVIDE AN EXPLANATION OF POINTS Some erosion of the upper topsoil stockpile has occurred as a result of inadequate protection measures. At the same time some soil has been deposited onto the stockpile from improper drainage controls. The probability of the event occurring is assessed as insignificant.

3. Would or did the damage or impact remain within the exploration or permit area? Yes

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 2

PROVIDE AN EXPLANATION OF POINTS Loss of topsoil was small, per inspector's statement, even though this situation had persisted for some time.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement?

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS

PROVIDE AN EXPLANATION OF POINTS

TOTAL SERIOUSNESS POINTS (A or B) 4

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater Degree of Fault

ASSIGN NEGLIGENCE POINTS 18

PROVIDE AN EXPLANATION OF POINTS The operator had received two previous NOV's in the year before for inadequate protection of the same stockpile.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation

Immediate Compliance -11 to -20*
 (Immediately following the issuance of the NOV)
 Rapid Compliance -1 to -10*
 (Permittee used diligence to abate the violation)
 Normal Compliance 0
 (Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation

Rapid Compliance -11 to -20*
 (Permittee used diligence to abate the violation)
 Normal Compliance -1 to -10*
 (Operator complied within the abatement period required)
 Extended Compliance 0
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? easy ASSIGN GOOD FAITH POINTS -5

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, the operator did some immediate work to abate the NOV. Apparently, the operator did not understand what was needed since the work turned out to be insufficient in correcting the problem. Good Faith awarded for an attempt to comply with the NOV as written.

V. ASSESSMENT SUMMARY FORN85-4-12-3, #2

I. TOTAL HISTORY POINTS	<u>20</u>
II. TOTAL SERIOUSNESS POINTS	<u>4</u>
III. TOTAL NEGLIGENCE POINTS	<u>18</u>
IV. TOTAL GOOD FAITH POINTS	<u>-5</u>

TOTAL ASSESSED POINTS	<u>37</u>
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TOTAL ASSESSED FINE	<u>\$ 540</u>
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ASSESSMENT DATE 9-13-85 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT FINAL ASSESSMENT

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwal/Crandall CanyonNOV # N85-4-12-3PERMIT # ACT/015/032VIOLATION 3 OF 3I. HISTORY MAX 25 PTS

- A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 9-13-85EFFECTIVE ONE YEAR DATE 9-14-84

PREVIOUS VIOLATIONS	EFF.DATE	PTS	PREVIOUS VIOLATIONS	EFF.DATE	PTS
<u>N83-2-14-1</u>	<u>4-19-85</u>	<u>1</u>	<u>N84-2-16-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-3-1</u>	<u>9-14-84</u>	<u>1</u>	<u>C84-2-1-1</u>	<u>3-18-85</u>	<u>5</u>
<u>N84-2-4-1</u>	<u>9-14-84</u>	<u>1</u>	<u>N84-2-19-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-9-2</u>	<u>3-18-85</u>	<u>2</u>	<u>N84-2-21-1</u>	<u>3-18-85</u>	<u>1</u>
<u>N84-2-14-1</u>	<u>3-18-85</u>	<u>1</u>	<u>C84-2-2-1</u>	<u>3-18-85</u>	<u>5</u>
<u>N84-2-17-1</u>	<u>3-18-85</u>	<u>1</u>			

1 point for each past violation, up to one year

5 points for each past violation in a CO, up to one year

No pending notices shall be counted

TOTAL HISTORY POINTS 20II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? EventA. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? Environmental harm/water pollution
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS 16

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, greater than 1,000 square feet has been contaminated by the spill of oil and gas. Environmental harm to the soil is considered to have occurred. Water pollution would occur with the leaching of oil and gas into the ground and surface water.

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 19

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, the deliberate drainage of used oil in the soil has occurred for two years. The location of this dumping is in close proximity to Crandall Creek. Greater than 1,000 square feet of soil is affected.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement?

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS

PROVIDE AN EXPLANATION OF POINTS

TOTAL SERIOUSNESS POINTS (A or B) 35

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Greater Degree of Fault

ASSIGN NEGLIGENCE POINTS 25

PROVIDE AN EXPLANATION OF POINTS Reckless oil drainage onto soil has occurred. Also, prior NOV's of noncoal waste storage have been issued. The oil and gas storage area was not located according to mine plans.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

Easy Abatement Situation

Immediate Compliance -11 to -20*
 (Immediately following the issuance of the NOV)
 Rapid Compliance -1 to -10*
 (Permittee used diligence to abate the violation)
 Normal Compliance 0
 (Operator complied within the abatement period required)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

Difficult Abatement Situation

Rapid Compliance -11 to -20*
 (Permittee used diligence to abate the violation)
 Normal Compliance -1 to -10*
 (Operator complied within the abatement period required)
 Extended Compliance 0
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? _____ ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS A failure to abate CO was issued on this NOV. No good faith points are available.

V. ASSESSMENT SUMMARY FOR N85-4-12-3, #3

I. TOTAL HISTORY POINTS	<u>20</u>
II. TOTAL SERIOUSNESS POINTS	<u>35</u>
III. TOTAL NEGLIGENCE POINTS	<u>25</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>

TOTAL ASSESSED POINTS 80

TOTAL ASSESSED FINE \$ 4480

ASSESSMENT DATE 9-13-85 ASSESSMENT OFFICER Mary Ann Wright

X PROPOSED ASSESSMENT _____ FINAL ASSESSMENT